

# SENATE JOURNAL

*Forty-fourth Legislature—First Called Session.*

## FIRST DAY.

Senate Chamber,  
Austin, Texas,  
September 16, 1935.

The Senate met at 12 o'clock noon pursuant to the call of the Governor and was called to order by Lieutenant Governor Walter F. Woodul.

### Temporary Officers Announced.

The Chair announced the appointment of the following temporary officers:

Secretary, Bob Barker.  
Journal Clerk, Mary Greer Rugeley.  
Calendar Clerk, Martha Eads Turner.  
Sergeant-at-Arms, A. W. Holt.  
Doorkeeper, W. J. J. Terrell.

### Roll Call.

The roll was called, a quorum being present the following Senators answering to their names:

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

### Absent—Excused.

Beck.	Moore.
Fellbaum.	Shivers.

### Invocation.

By the Rev. James J. O'Brien, C. S. C., Major Chaplain, Army of the United States, Vice-President of St. Edward's University, Austin, Texas.

Our, Father, Who art in Heaven, we thank Thee for Thy favors. We pray Thee to bless and direct our President, our Federal and State officials, our Legislature and our citizens, that all may labor for Thy Glory, the welfare of our nation and the peace and prosperity of our people. We ask these blessings through Christ, Our Lord,

Amen.

### Senators Excused.

The following Senators were excused for the day:

Senator Moore on account of illness on motion of Senator Redditt.

Senator Shivers on account of important business today and Tuesday on motion of Senator Hopkins.

Senator Beck on account of important business on motion of Senator Hill.

Senator Fellbaum on account of illness on motion of Senator Sulak.

### Proclamation.

By the Governor of the State of Texas.

The Chair laid before the Senate the following proclamation by the Governor:

To all to whom these presents shall come:

Whereas, S. J. R. No. 3, proposing an amendment to Article XVI of the Constitution of Texas by striking out Section 20-a to Section 20-e, both inclusive, prohibiting the open saloon and vesting in the Legislature the power to define and enact laws against such; vesting in the Legislature the power to regulate the manufacture, sale, possession and transportation of intoxicating liquors, including the power to establish a State Monopoly on the sale of distilled liquors; providing that in all counties, justice's precincts or incorpor-

ated towns or cities wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in effect at the time of the taking effect of Section 20, Article XVI of the Constitution of the State of Texas, until a majority of the qualified voters in such county or political subdivision shall determine such to be lawful at an election held for that purpose, was by the Forty-fourth Legislature, Regular Session, submitted to a vote of the qualified electors of the State of Texas at a special election held throughout the State of Texas, on the 4th Saturday in August, 1935; and

Whereas, such special election having been held in the mode and manner provided by law and it now appearing from the public press that a majority of the qualified electors voting in such election, cast the ballot in favor of the amendment "for the amendment to the State Constitution repealing statewide prohibition, prohibiting the open saloon and providing for local option"; and,

Whereas, I consider it my duty to call a Special Session of the Legislature of the State of Texas to give effect to the will of the people;

Now, therefore, I, James V. Allred, Governor of the State of Texas, do, by virtue of the authority vested in me by the Constitution of this State, hereby call a Special Session of the Forty-fourth Legislature to be convened in the City of Austin, commencing at 12 o'clock noon on Monday the 16th day of September, A. D. 1935, for the following purposes:

1. To define the term "open saloon" and enact laws prohibiting the same.

2. To enact laws regulating the manufacture, sale, transportation and possession of intoxicating liquors, and to preserve the absolute integrity of dry territory.

3. To consider and act on such other subjects of public importance as the Governor may, from time to time during the Session, submit by message.

In testimony whereof, I have hereunto signed my name and cause to be impressed  
(Seal) hereon the Seal of the State of Texas at Austin, this the

29th day of August, A. D. .  
1935.

(Signed) JAMES V. ALLRED,  
Governor of Texas.

(Signed) CLYDE E. SMITH,  
Asst. Secretary of State.

#### Committee from the House.

The Chair recognized the doorkeeper, who introduced a committee from the House who informed the Senate that the House was organized and ready for business.

#### Senate Resolution No. 1.

The Chair recognized Senator Redditt who sent up the following caucus report of the Senate caucus to elect officers and employees for the First Called Session of the Forty-fourth Legislature:

Senate Chamber,  
Austin, Texas, Sept. 16, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: At a caucus held in the office of the Senate attended by 24 members of the Senate the following recommendations were made, to-wit:

The following officers were elected to serve for the ensuing First Called Session of the Forty-fourth Legislature and at salaries set opposite their names:

Secretary of the Senate, Bob Barker, \$10.00 per day.

Sergeant-at-Arms, A. W. Holt, \$7.50 per day.

Doorkeeper, Tom Garrard, \$5.00 per day.

Chaplain, W. H. Doss, \$5.00 per day.

Journal Clerk, Mary Rugeley \$7.50 per day.

Assistant Journal Clerk, Robert Warren, \$5.00 per day.

Calendar Clerk, Mrs. Martha Turner, \$7.50 per day.

Assistant Calendar Clerk, Gilbert Adams, \$5.00 per day.

Engrossing and Enrolling Clerk, Miss Essie McGinnis, \$7.50 per day.

Parliamentarian, Gibson Randle, \$5.00 per day.

Postmaster, Mrs. Lola Lawrence, \$5.00 per day.

Mailing Clerk, Mrs. Ann Polglass, \$5.00 per day.

Librarian, Miss Theodosia Bell, \$5.00 per day.

Warrant Clerk, Miss Helen Avery, \$5.00 per day.

It is recommended that each Senator, Lieutenant Governor and the Secretary of the Senate, be permitted to name one secretary and such employee shall act as clerk of the committee of which the Senator naming such employee shall be the chairman thereof, such employee to receive \$5.00 per day.

It is further recommended that the Chairman of the Caucus appoint a committee of five who shall be authorized to select such other employees as in their judgment will be necessary.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate be permitted to name two employees of the Senate in addition to their private secretary; that the names of such employees be referred to a committee of five Senators appointed by the chairman of the caucus, said committee to be authorized to select from said employees all employees in the engrossing and enrolling room and other departments of the Senate to assign said employment; said employees so named by the Senators, the Lieutenant Governor and the Secretary of the Senate to receive the sum of \$5.00 per day.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$4.00 per day each, and the salaries of the porters shall be \$2.50 per day each, except the head porter whose salary shall be \$4.00 per day and the porter carrying the mail shall receive \$3.50 per day, and the salaries of the pages shall be \$2.50 per day and the salaries of the messengers shall be \$3.00 per day.

The Lieutenant Governor is requested to recommend that the Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and a night operator to be named by the committee of five Senators, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empow-

ered to use all Assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall during the time he or she is employed, furnish to any person, firm or corporation any information pertaining to the Senate and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to some Senator or committee, shall report for duty at 8 o'clock a. m., and 1 o'clock p. m., reporting to the Sergeant-at-Arms of the Senate, and none of such employees shall be paid for days they are absent from the Senate.

It is further recommended that no person be employed by the Senate or under its direction, except private secretaries, who may be related within the second degree by affinity or within the third degree by consanguinity to any member of the Legislature or to any other person employed by or holding office under either the State of Texas, or the United States of America or political subdivision of this State, or by any public supported institution. (See Art. 432 Penal Code.)

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges, such as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 2600 Journals be printed; that same be prorated among the Senators and Lieutenant Governor, except that 150 Journals shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, the contract to be approved by the committee of five.

It is further recommended that the Secretary of the Senate be paid for his services rendered in advance of and in preparation for the convening of this, the First Called Session of the Forty-fourth Legislature; and that the Sergeant-at-Arms be allowed pay for each day of service from the date he ceased to draw compensation from his other employment; and extra employees and the porters who were selected to prepare the Senate Chamber in advance of the meeting, be allowed pay for their services, the per diem allowed each of the employees mentioned in this section be the same as herein fixed.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon presentation of the pay roll account signed by the presiding officer and the Secretary of the Senate.

The Chairman of the Caucus named the following members of the Senate as the committee of five, as hereinabove mentioned:

Redditt, Chairman; Pace, Vice-Chairman; Cotten, Regan and Small.

The committee of five hereinabove named shall have authority to employ P. B. X. operators at a per diem not to exceed \$5.00 per day.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate, be permitted to subscribe for three newspapers to be paid out of the contingent fund.

It is further recommended that the President of the Senate have exclusive appointment of a sufficient number of messengers, pages and porters as in his judgment may be necessary.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection, to discharge the duties of the committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to the Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate

the name of his private secretary selected; that he also file with the chairman of the committee of five Senators aforesaid the name of the employees selected, together with his or her post-office address and a suggestion as to the special qualification of said employee.

It is further recommended that the names, place of residence and compensation of all employees be printed in the Journal, together with the name of the Senator responsible for the employment of his employee.

Be it further resolved that no employee of the Senate except those whose official duties require them to work upon the floor of the Senate shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate, to come on the floor for some official duty—which when performed they will immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

HOLBROOK, Chairman.

Senator Redditt moved that further reading of the caucus report be dispensed with.

The motion prevailed by viva voce vote.

Senator Van Zandt moved the adoption of the caucus report.

The motion prevailed by viva voce vote.

#### Officers Sworn In.

The officers and employees of the Senate were administered the oath of office by Lieutenant Governor Walter F. Woodul.

#### Election of President Pro Tempore.

The Chair announced that the time for the election of the President Pro Tem. had arrived.

Senator Sanderford nominated Senator Martin. The nomination was seconded by Senators Holbrook and Small.

The Chair appointed Senators Woodruff, Poage and Small as tellers to count the votes, the Secretary announced 25 votes cast for Senator Martin.

The Chair appointed Senators DeBerry, Hill and Blackert to escort President Pro Tem. Will Martin

to the platform where Lieutenant Governor Walter F. Woodul administered the oath of office.

Senator Martin addressed the Senate.

#### Committee Appointed.

Senator Rawlings moved that the Chair appoint a committee of 3 to notify the House and 3 to notify the Governor that the Senate was organized and ready for business.

The Chair appointed the following to notify the House:

Senators Woodruff, Cotten and Burns.

To notify the Governor:

Senators Oneal, DeBerry and Blackert.

#### Notification Committees Report.

The committee appointed to notify the House appeared at the bar of the Senate and Senator Woodruff reported that the committee had performed its duty.

The committee to notify the Governor appeared at the bar of the Senate and Senator DeBerry reported that the committee had performed its duty.

#### Bills and Resolutions.

##### Senate Bill No. 1.

By Senators Moore and Hopkins:  
S. B. No. 1, A bill to be entitled "An Act regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws and amending the same; and declaring an emergency."

Read and referred to the Committee on State Affairs.

#### Point of Order.

Senator Small raised the point of order that the bill was out of order, as it was a tax raising measure.

The Chair overruled the point of order.

#### Advanced Printing Ordered.

Senator Van Zandt moved that S. B. No. 1 have advanced printing. The motion prevailed by viva voce vote.

##### Senate Bill No. 2.

By Senator Redditt:

S. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the First Called Session of the Forty-fourth Legislature, also to cover unpaid expenses of the Forty-fourth Legislature, Regular Session.

Read and referred to the Committee on Finance.

#### Message from the House.

The Chair recognized the doorkeeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Sept. 16, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 1, Providing for a joint session of the Senate and House of Representatives at 12:30 o'clock p. m., Monday, September 16, for the purpose of hearing the Governor's message.

The following committee has been appointed on the part of the House:

Head, Russell, Hodges, Gibson and Calvert.

Respectfully submitted.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

##### H. C. R. No. 1.

The Chair laid before the Senate H. C. R. No. 1, Providing for a joint session of the Senate and the House of Representatives at 12:30 o'clock p. m., Monday, September 16th, for the purpose of hearing the Governor's message.

The rule requiring resolutions be referred to a committee was suspended by unanimous consent.

H. C. R. No. 1, was adopted unanimously.

**Committee Appointed.**

The Chair appointed the following on the committee in compliance with H. C. R. No. 1.

Senators Rawlings, Neal, Westerfeld, Regan and Davis.

**Appointment.**

The Chair announced the following appointments:

**Pages.**

1. Duane Mellor.
2. Tom Davis.
3. Bascom Timmons.
4. Merton Walker.
5. Paul Stimson.
6. O. Lee Stuart.
7. Emil Darilek.
8. Wilbur Martin.
9. J. Y. Jones.

**Senate Resolution No. 2.**

Senator Pace sent up the following resolution:

Whereas, The Senate has just learned of the illness of our beloved colleague, Honorable Weaver Moore, the genial Senator from Harris County; therefore, be it

Resolved, That the Secretary of the Senate be, and he is hereby instructed to send a message of good cheer to Senator Moore, and be it further resolved that flowers be sent to Senator Moore, same to be paid out of the contingent expense fund of the Forty-fourth Legislature.

Read and adopted.

**Appointment.**

The Chair appointed Senator Cotten as Chairman of the Committee on Educational Affairs.

**Senate Bill No. 2.**

The Chair recognized Senator Redditt who sent up the committee report on S. B. No. 2. (See Appendix.)

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its second reading by the following vote.

**Yeas—26.**

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Beck.	Moore.
Fellbaum.	Shivers.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Beck.	Moore.
Fellbaum.	Shivers.

Read third time and finally passed by the following vote:

**Yeas—26.**

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

**Absent—Excused.**

Beck.	Moore.
Fellbaum.	Shivers.

**Joint Session.**

At 12:30 o'clock p. m., the Chair announced that the hour set for the joint session had arrived.

The Senate repaired to the House.

**In the House.**

The Senate escorted by Bob Barker, Secretary of the Senate and A. W. Holt, Sergeant-at-Arms of the Senate, appeared at the bar of the House and being duly admitted were escorted to seats prepared for them along the aisle.

Lieutenant Governor Walter F. Woodul occupied a seat on the Speaker's stand.

The Hon. Coke R. Stevenson called the House to order.

Lieutenant Governor Walter F. Woodul called the Senate to order.

Speaker Stevenson then introduced Hon. James V. Allred, Governor of Texas who delivered the following message to the joint session of the Legislature:

Austin, Texas, Sept. 16, 1935.  
To the Members of the Forty-fourth Legislature, in First Called Session.

This special session has been called to deal with the people's business! During the regular session much worthy legislation was passed on a variety of subjects; but this called session is the result of direct mandates of the people at the special election on August 24th. No Legislature was ever called in special session to deal with problems of greater importance than those confronting you.

As you know, on August 24, 1935, the people voted for five changes in the Constitution. The transcendent importance of three of these amendments requires prompt and intelligent action at your hands.

The Constitution provides that "when the Legislature shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session or presented to them by the Governor."

In the official proclamation calling

this Legislature into extraordinary session, I specified as the chief subject to be considered the enactment of enabling legislation to carry out the people's mandate with reference to liquor.

On tomorrow I shall submit to you the subject of substituting salaries for the fee system under Amendment 5 as it appeared on the official ballot August 24th. The amendment itself provides that the Legislature shall act on this subject at the first called session.

Within the week, as quickly as I may be able to complete the message, I shall submit to you the all important, far-reaching subject of old age pensions.

Because of chaotic and uncertain conditions prevailing throughout the State with reference to our liquor laws, that subject was expressly designated in the official proclamation calling this special session. It is hereby submitted to you for attention and action.

It is for you to say how the expressed will of the people shall be put into effect. To accomplish this the judgment of one individual will not suffice. I feel that out of the combined wisdom of your membership, directly representing and knowing the wants of the respective localities, the most satisfactory solution can follow.

In submitting this important question, however, it is my privilege, and, indeed, I feel my duty, to direct to your attention certain outstanding features of the amendment adopted. The following general and important problems must be considered by this Legislature:

**1.**

It is your duty to define the term "open saloon" and enact laws against such everywhere throughout the State.

I need not tell you that the people as a whole are intensely interested in what this Legislature defines as the "open saloon." It has been on every tongue both before and since the election. Frankly, I do not know just what those who framed this amendment had in mind. I only know that the vast majority of the people of this State, irrespective of how they voted on the amendment, are agreed upon one

proposition: they do not want, indeed they will not abide, a return of the old saloon system of liquor dispensing in this State.

In by humble judgment, the people want no subterfuge definition or camouflaged saloon, whereby even though the brass rail bar may be outlawed, yet practically the same evils of open saloon sales will again be upon us. I earnestly urge, therefore, a clear-cut, simple, understandable definition and prohibition of the open saloon so as to carry out the letter and the spirit of the constitutional amendment.

## 2.

This Legislature has the power to regulate the manufacture, sale, possession and transportation of intoxicating liquors for private profit. It also has the power, if it sees fit, to establish a state monopoly on the sale of distilled liquors.

## 3.

If regulations of private traffic in the liquor business is determined to be the proper policy, then this Legislature must intelligently determine upon what basis liquor shall be taxed. The State needs revenues, not only for the administration of the liquor laws you may pass, but for the general treasury as well.

## 4.

This Legislature must pass laws to preserve the absolute integrity of dry territory.

This duty is of equal importance with the mandate to define and outlaw the open saloon. By the adoption of the amendment on August 24th we are once more dedicated as a people to the principle of local self-government. This means not only that the people in wet territory are entitled to liquor under proper regulation, but that the community which has voted dry has an equal right to expect that it shall not be overrun by an outlawed traffic beyond its boundaries. Great care should be exercised in this regard.

It will not be sufficient, in my judgment, to simply prohibit, for instance, "the manufacture, sale, possession and transportation of intoxicating liquors" in dry territory! Every other form of traffic in liquor

in such communities should be outlawed. In other words, all needful legislation, such as prohibiting the taking of orders, giving, furnishing, etc., of liquor within such communities, should be enacted.

## 5.

This Legislature must make provision for the holding of local option elections to determine whether the people of a particular county, justice precinct, or incorporated town or city, now desire to permit or prohibit the sale of liquors containing more than 3.2% alcohol.

Until this provision is made, the status of the district in 1919 (when the prohibition amendment was adopted) will bind the people in such district. It is, therefore, imperative that immediate provision be made for the holding of local option elections to determine the present attitude of the people.

## 6.

Provision must be made for supervision and regulation of the manufacture and transportation of liquors within the State.

The history of liquor legislation and enforcement, within our own memory, has demonstrated the difficulty of dealing with this subject under any laws or no laws. Any system set up by the State, whether regulation or monopoly, should be simplified so far as possible to expedite collections of taxes and detection of violations.

Procedure in the prosecution of liquor cases should be simplified so far as possible. For instance, it may be difficult in some counties now to make proof that a given political subdivision was dry in 1919; or, after a local option election has been held, to make proof of such election. As a matter of fact, these matters are of common knowledge in the counties or communities affected. No prosecuting attorney would accept a complaint, and no grand jury I am sure would indict, for an offense against the liquor laws in wet territory. It seems to me, therefore, that provision could be incorporated in any regulatory act passed that where an information is filed or indictment returned for violation of the liquor laws in a given community in any



county, the court shall take judicial notice (without allegation or proof) of the status of such territory at the time of the alleged offense.

1.

The laws of some states, as I understand, provide that liquors can be manufactured, sold or transported only by corporations chartered by the State for that purpose. Whatever provision you see fit to make, I would suggest that the books and records of any person or corporation engaging in the business be subject to inspection at all reasonable times by whatever regulatory or tax collecting agency you may establish. This will simplify the cost and expedite administration of the law.

General.

During the old open saloon days the State's welfare was menaced by monopolistic and political practices of brewers and distillers. It seems to me that any law passed by you should prohibit the ownership of any dispensing agency or store, or the furnishing of any fixtures, or financing through holding companies or otherwise, by any brewers, distilling company or other person or corporation engaged in any other branch of the liquor business.

Various other details will necessarily arise in the passage of this important legislation.

I think the people expect this Legislature to prohibit the sale of liquor to minors or their being employed in places where liquor is sold.

The State's Attorney before the Court of Criminal Appeals, advises that there are now pending before the court 71 cases in which convictions have been sustained for violation of the so-called Dean law; and that unless this condition is cared for by appropriate legislation these cases will probably have to be dismissed.

My friends of the Legislature, the people voted for the general principle of repeal of the liquor amendment; but they are looking to this Legislature to carry out their desires by prompt, intelligent and clear-cut legislation. This calls for unselfish, patriotic, earnest service.

May I respectfully suggest to you that real results can best be accomplished through cooperation and understanding. I hope we may all of us speak thoughtfully, considerately and softly at all times. In that manner we can work faster and more efficiently.

Again, I pledge you my earnest cooperation and best efforts at all times during the session, day or night.

Respectfully submitted,  
JAMES V. ALLRED,  
Governor of Texas.

Senate Called to Order.

The Chair called the Senate to order at 12:59 o'clock p. m.

Address Printed.

Senator Holbrook received unanimous consent to have printed in the Journal the following address:

ADDRESS OF DR. FRANCIS P. GAINS, PRESIDENT OF WASHINGTON AND LEE UNIVERSITY, AT THE UNVEILING OF THE MONUMENT OF GENERAL SAM HOUSTON IN RICHMOND, VIRGINIA. ON THE 21ST DAY OF JUNE, 1935.

In that spaciousness of the world's recollection which we call history, there are a few dominant individuals who are the map-makers of destiny. As small boys weary of sailing their kites and twist in casual convolution the inviting cord upon the ground, so these men bring down their thoughts from the empyrean of an aimless fancy and project strong hands into the geographical boundaries of earth, wrapping them into new pattern after their hearts' desire, effecting reallocations of empire.

For most of these titans of territorial triumph, your Caesars or your Bonapartes, the compelling motive is some form of personal ambition. They require the revenue of an ampler territory, they seek vengeance upon some adversary, they covet a pinnacle of higher eminence, or they find upon the battlefield and through the tortured subjugations of other lives an adequate expression for their own unholy complex, the lust for conquest.

In this small group of men who modified the alinements of the world

stands Sam Houston. It was given to him to set a new flag waving over a dominion greater than the Persia which lured the thoughts of Alexander, richer than the Egypt which Antony unrolled like a green carpet before the feet of his Cleopatra. Before the critical gaze of the generations which look before and after to search out incentives and consequence, the Virginian stands fearless. Whatever else may be said about his achievement, this much all men know, that it was free from self-seeking. He was gripped by an idea, an imperial idea; he was seeking room for the expansion of that idea, he was seeking fullness of opportunity for those among his fellows who incarnated that idea. To it he dedicated huge energies. In pursuit of this idea he walked with undeviating feet through the vicissitudes of war and peace, as one might go upon a quest for a holy grail and count not cost. This conception was the American idea.

It will some day be made clear, as it has not yet been done, that Virginia not only helped to formulate this idea, this design for government and this program of civic relations, in the councils of legislation and set it up in the practical operations of administration; we are yet to understand how boldly and how widely Virginia projected this idea through the devotion of her sons into the unclaimed jurisdictions of the western world. George Rogers Clark, for example, took it into the immediate West through rivers of frozen waters and rivulets of hot blood; Meriwether Lewis and William Clark surveyed for it a residence which in amplitude exceeded even contemporary comprehensions. But Sam Houston was privileged to give this idea a sequence of services, a consistency of ministry throughout all stages of development into fulfillment. He conceived its fitness for a new territory; he established its security by might of sword; he guarded the idea in its brief detachment; with patience and with clarity of purpose he wrought the final cohesiveness between the part and the whole from which it never could be separate; he cemented with the grace and the enthusiasm of his own conviction the final harmony, the lasting identity of hope.

As Sam Houston's work stands before the scrutiny of the world clean and spotless in terms of the incitements of his own heart, so it stands secure if measured by any test of the validity of consequence. Here was no accident of propitious fate. Here was no sudden emergence of an irresistible man twisting the verges of society which were to spring back like elastic when his own hand should no longer hold them in the new position. Houston opened new channels for the tides of promise which we fondly believe flow in the American idea. He gave us the southernmost correlative of our happy phrase of space, "from Maine to Texas." His contribution was indispensable as it was inevitable and it abides.

And Virginia, mother of men as well as of States, says to her boy "Well done."

But in the Valhalla of memory which we call history, there is another group that forever holds fascination. It is made up of a few vivid figures who by sheer power of intense living under circumstances of swift and startling contrast have become themes of almost legendary romance. No life of our western world encompassed more pure drama than the career of Sam Houston.

When the little wide-eyed boy stood upon his native hill in Rockbridge, he could look East to the Blue Ridge across which were such stable settlements as the new world boasted when the eighteenth century drew to a close, and he could look West to the Alleghanies, across which were unplumbed depths of wilderness; and after the priceless prerogative of childhood, he may have built his castle of excitements and distinctions alike to the East and to the West. But it is not probable that in the vastest dreams of boyish ecstasy he could even fancy a career of such magnitude, soaring heights and despairing depths, climax tumbled upon anti-climax, as he was ultimately to achieve. It remains for all time an invitation to man's speculative imagination.

It was the beginning of romance for this wide-eyed boy, now fourteen

years of age, that he should have begun the long trek of the pioneer, away from the landscapes he knew, away from the neighbors he gathered into the world of his early friendships, over the hills and far away, into the undiscovered. Through the mountains of high mystery the trail went on and then the little lad saw the great valley of the Roanoke, watched the Holston slip away between hills of loveliness smooth as the breast of a dove with greenness like the symbol of Everlasting Mercy, looked at last upon the Tennessee swinging into wide curves that seemed to embrace a perfect fruitfulness.

It was an almost unparalleled romance of recognition that in this land which he entered as a strange and forlorn boy he should so accelerate his fitness, should so impress his associates, that by the time three decades had passed over his head, he stood like another Joseph, through by the mandate of democracy and not by the whim of a Pharaoh, bowing strong young shoulders that upon them might be placed purple robes of sovereignty, stretching forth a strong young hand to receive upon his finger the seal of authority.

It was romance of amazing strangeness that he who had sat in the halls of a national congress and now held the scepter of a chief magistracy should find himself bewildered by the mystic entanglements of love and with one impatient gesture cast it all away as when he was a child he had tired of a toy.

It was another chapter of this almost incredible romance that he should have at once plunged through the barriers of civilization seeking the forgetfulness in some simplification of life; that he should have begun a new existence among the savages he loved where only elemental virtues have significance, fearlessness and fortitude and capacities to resist and to endure, and that measured by these standards, so variant from the piety of an early rearing, so different from the processes of public politics, here again that immense force of his character made itself felt, earned its own preeminence.

It was the happy culmination of this romance that he should have made what modern vernacular would term a supreme "come-back," that he should have returned from his strange renunciations, with complete recovery of powerful patriotic insistences directed this time toward a definite goal that may have first lured him in the broodings of early childhood. It was as if from the inland forests of his strong retreat, he designed a new ship of state, built it, then went forth to launch it, piloted it through the breakers of all initial perils, navigated it across the untired gulfs of the independent seas, brought it at least into the harbor he sought, anchored there in the haven of nationalism beside the other crafts he loved, the Virginia of his childhood, the Tennessee of his youth.

In the saga of America there are figures of glamor, men whose chronicles seem woven of the texture of impossible fiction, men whose energies rebuke the brutish immobilities of our own lives. Here is one whose career of authenticated verity possibly exceeds in vivid adventuring any other of our own breeding, suggests a composite of many of the world's notable personages. He was of the fellowship of Leatherstocking in that he knew the wilderness thrills of a terrified expectancy. He was akin to Robert Clive in that after he tried to throw away his life he picked it up as conqueror of vast domains. He had in him the stuff of Richard the Lion-Hearted in his capacity for personal feats of valor. He paralleled on a reduced scale the career of Washington in that he led a new hope through warfare and gave to it the poise of governmental stability in the early days of peace. He was cut from the same block of steadfastness that yielded Old Hickory himself.

If we dared an interpretation of a mother's love, we should say that when Virginia repeats in caressive tones the names of her great sons, as one might call slowly an inventory of jewels, she is moved by deeper emotion than I have yet suggested.

The mother may be proud of achievement, of course, but she is not thinking primarily of the degree of success that crowned the attempted

task, of the relative measure of sunshine and cloud that enveloped the earthly day. It was Cicero's position that the great commander should possess, in addition to personal virtues, that indefinable factor of good fortune which the modern American would call "the breaks." Sam Houston was successful in aggregate effort but he takes his place here beside those whose equally heroic effort was ordained for failure. There is ultimately no great distinction. Sons of Virginia

"meet with triumph or disaster,

And treat those two imposters just the same."

Nor does Virginia treasure concerning these distinguished children the fabulous elements of glamor that furnish inexhaustible material for the makers of romance. It is all the gleaming embroidery of a life, charming in perennial luster, but the life itself is deeper.

Nor yet, of course, does Virginia appraise as of great moment the particular political doctrine which any of her great sons may have cherished, however, passionate may have been their allegiance. Sam Houston's course was charted, as by a pilot star, according to his devotion to the idea of nationalism. He promoted this idea incalculably and yet the curtain of his public life went down in a tragic gloom because of this very idea; for when the fateful cleavage between his state and his nation threatened, he turned with a kind of infinite regret from the group of local associations to remain true to his basic conviction. Robert E. Lee faced the same fateful cleavage and with the same infinite regret turned from the nation to go with his own people. Today they stand together here at the heart of Virginia's life; and who shall dare say that either of these supremely honest men could have been wrong?

Vaunting not herself of much that others may think important, forgiving much that others may deem deplorable, Virginia looks at her own with an insight that penetrates the temporal and reaches the enduring, that goes beneath the surface of success and failure to the central and indissoluble core. In the astral spaces of critical detachments, history may record the deed, drama may catch the pageantry, philosophy may debate the creedal enthusiasms, but the mother is concerned with the quality of the life itself.

Now when one looks at that turbulent current of biographical episode that was Sam Houston, one sees a stream of life that ranges from bright and sparkling heroisms to the darkened depths of an almost fathomless dismay; one recognized deviating sweeps into the swamplands of confused purposes. But through it all is one clean and crystalline strain, the persistence of his fidelity. He kept the faith.

It must have risen, this strain of steadfastness, in some high hill of ancestral endowments. It came down to him in the blood of Houstons and Davidsons and Paxtons. No external circumstance weakened it in his own veins. To this capacity for devotion to an ideal, this conscious acceptance of obligation, he brought the courage of a high moment or the stern recoveries from his own despair, he brought the winsomeness of a personality as magnetic as it was masterful, he brought whatever deliberate sacrifice might be indicated by the moment. The battlefield of San Jacinto, the executive chair of a new and struggling republic, the forum of the United States Senate, the pathetic moment when the thousands of Texans who had listened to him with glad acclaim turned resentfully from him, these bear testimony to the iron resolution of a man who kept the faith. It made little difference what the particular form of that faith may have been; it was the sense of duty to an untutored Indian; it was the ordinary amenities of personal friendship, like that with Ben Shephard whose granddaughter offers this memorial; it was the civic responsibility of a citizen or a public official; it was the accountability of a human soul to God. Whatever the faith he saw, he kept it inviolate.

In 1532 there was published one of the influential volumes of the medieval world, Machiavelli's manuel for the guidance of princes. Among other unusual doctrines promulgated by the important code, was a statement that "A wise prince should not keep his faith to his own disadvantage

and when the reasons for pledging it are no longer existent—But he should hide this infidelity by means of simulation and dissimulation, putting on a mask of piety, humanity, and religion."

Nearly a century later, Shakespeare drew for us his picture of the ideal ruler of men. In the portrait were the accepted virtues of courage and forbearance, of firmness and charity. But the climax of the poet's conception is to be found in half a dozen lines when Henry declares:

"By Jove. I am not covetous for gold;  
Nor do care I who doth feed upon my cost;  
It yearns me not if men my garments wear,  
Such outward things dwell not in my desire.  
But if it be a sin to covet honor,  
I am the most offending soul alive."

Centuries after Henry or Shakespeare, as Mr. James tells us in his popular biography, in a little Tennessee town a sweet lady said good-bye to her twenty-year old son, marching off to war. As she kissed him, she put on his finger a ring and told him that inside the ring was a motto which must guide his conduct. Fifty years later this man's wife took the ring off his dead finger that she might show it to his children. The motto was still clearly to be seen. It was a single word, Honor.

#### In Memoriam.

Senator Sanderford moved that the Senate before adjournment rise, for one moment of silent prayer in memory of the late Senator Arthur P. Duggan.

The motion was adopted unanimously by a rising vote.

#### Adjournment.

At 1:01 o'clock p. m., Senator Holbrook moved that the Senate adjourn until 10 o'clock a. m., Tuesday.

The motion prevailed.

#### APPENDIX. Committee Report.

Committee Room,  
Austin, Texas, Sept. 16, 1935.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 2, A bill to be entitled "An Act making an appropriation to pay the contingent expenses, and to pay the mileage and per diem of members and per diem of officers and employees, of the First Called Session of the Forty-fourth Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

#### SECOND DAY.

Senate Chamber,  
Austin, Texas,  
September 17, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

#### Absent—Excused.

Beck.	Moore.
Fellbaum.	Shivers.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)